

# SENATE BILL REPORT

## SB 5395

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As of February 1, 2007

**Title:** An act relating to school districts not being required to make up school days missed due to unforeseen natural events or mechanical failures occurring during the 2006-07 school year.

**Brief Description:** Regarding cancelled school days due to unforeseen natural events or mechanical failures.

**Sponsors:** Senators Clements, Holmquist, Hobbs, Kauffman, Rasmussen, Zarelli, Brandland and McAuliffe.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/31/07.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Eric Bratton (786-7438)

**Background:** Washington law requires school districts to provide their students in grades one through 12 with a district-wide annual average of 1,000 hours of instruction. In addition, the minimum number of school days required by law is 180 days per school year. If a school district is forced to close any or all of its schools due to an unforeseen natural event or mechanical failure leading to one or more of the school district's facilities becoming unsafe, unhealthy, inaccessible, or inoperable, then the law requires the school district to make up the first three days of school missed per closure incident. After a school district has made up the first three missed school days, it may apply to the Superintendent of Public Instruction (SPI) for a waiver of any additional missed days related to the closure incident.

In the wake of the school closings during the current school year due to inclement weather, SPI, under their emergency rule-making authority, is taking emergency action to amend the Washington Administrative Code (WAC) to waive the school day make-up requirement for those school districts located in counties where the Governor has declared a state of emergency. SPI will only permit the waiver for those schools located in counties named in a state of emergency. However, even if the SPI waives the three-day make-up requirement, the state will still require school districts to make available to students the required 1,000 hour minimum of instruction hours.

**Summary of Bill:** Bill as referred to committee not considered.

**EFFECT OF PROPOSED SUBSTITUTE (Early Learning & K-12 Education):** The state will not require school districts to make up school days missed during the 2006-07 school year

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due to unforeseen natural events or mechanical failures. Unforeseen natural events include floods, windstorms, ice storms, and snowstorms; mechanical failures include the discontinuance or disruption of utilities, such as heating, lighting, and water. In addition, school days missed during the 2006-07 school year due to unforeseen natural events or mechanical failures will not affect state basic education money received by the school districts, but the state will provide the money to the school district as though no school days were missed.

Any school district that wishes to make up missed school days may do so by using vacation days or by turning scheduled half days into full days. However, school districts may not extend the school year beyond the last scheduled school day in order to make up missed school days.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Students and their families have already made plans. Extending the school year into the summer could negatively affect those plans. The bill gives the school districts options for how to address missed school days. There is a possibility that more school days will be missed and this helps address that possibility. Concerns expressed that some schools have already started adjusting their calendars to address missed days.

CON: The bill goes too far. The Superintendent of Public Instruction's emergency rule should address the issue adequately. Individual school districts have the option of deciding how best to make up the missed hours of instruction under the Superintendent's rule.

**Persons Testifying:** PRO: Senator Jim Clements, prime sponsor; and Lucinda Young, Washington Education Association.

CON: Jennifer Priddy, Office of the Superintendent of Public Instruction.